Message

From: Pease, Anita [Pease.Anita@epa.gov]
Sent: 11/3/2020 12:39:39 AM
To: Messina, Edward [Messina.Edward@epa.gov]
CC: Weiss, Steven [Weiss.Steven@epa.gov]
Subject: Re: OCSPP News for November 2, 2020

Comparative claims are not allowed.

Sent from my iPhone

On Nov 2, 2020, at 6:51 PM, Messina, Edward <Messina.Edward@epa.gov> wrote:

Are comparative claims allowed?

https://baytownsun.com/coronavirus/article_8c4dc982-fed5-59ed-9da6-0a5054a90b6b.html

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From: Rosen, Bailey <Rosen.Bailey@epa.gov>
Sent: Monday, November 02, 2020 5:24 PM
To: Bolen, Derrick <bolen.derrick@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Mills, Madeline <Mills.Madeline@epa.gov>; Nguyen, Khanh <Nguyen.Khanh@epa.gov>; OPS CISD CB <OPS_CISD_CB@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Sullivan, Melissa <sullivan.melissa@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Vernon, Jennifer <Vernon.Jennifer@epa.gov>
Subject: OCSPP News for November 2, 2020

OCSPP News Round-Up

General EPA

- Missouri State 11/2; Missouri State receives EPA Pollution Prevention Grant
- Bloomberg Law 11/2; How Much Impact Does a Presidential Election Have on EPA Work?

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- Inside EPA 11/2; ACC Seeks Weaker EPA Ethylene Oxide Air Rule With Petition, Lawsuit
- Inside TSCA 11/2; CDC Advisors Consider Recommending Stricter Lead Reference Level
- Inside TSCA 10/30; Senate GOP Shakeup On Environment Panel May Bring New PFAS Focus
- Inside TSCA 10/29; EPA Floats Options For HBCD Rules While Advocates Sue Over Risk Evaluation

Pesticides

- E&E News 10/30; Lawsuit aims to block EPA approval of common weedkiller
- Center for Food Safety 10/30; LAWSUIT CHALLENGES EPA REAPPROVAL OF ENDOCRINE-DISRUPTING PESTICIDE ATRAZINE
- The Fence Post 11/2; EPA excludes 'zone requirements' for pesticide applications
- St. Louis Post-Dispatch 10/30; EPA documents show dicamba damage worse than previously thought
- The Bismark Tribune 11/2; EPA announces 5-year dicamba extension; North Dakota ag officials pleased
- Brownfield Ag News 11/2; NEW DICAMBA GUIDELINES MEAN MORE TIME & EXPENSE FOR GROWERS
- EIN Presswire 11/2; Attorney General Becerra Continues to Push EPA to Complete Required Evaluation of Pesticide Toxic to Pollinators, like Bees, Critical to Agriculture
- Capital Press 11/2; Researcher finds pesticide label discrepancies, could hurt honey bees
- The National Law Review (Beveridge & Diamond PC) 11/2; EPA Announces One of Its Largest-Ever FIFRA Civil Settlements

COVID/Disinfectants

- Market Scale 10/29; Toxic Cleaners Are Being Misused and Overused During the COVID Pandemic
- They Baytown Sun 10/30; Ecolab No-Rinse Sanitizer Kills COVID-19 Virus Faster Than Any Other Product

Blog/OpEd/Other

- Environmental Defense Fund 10/29; Industry's influence over EPA could get even worse: Chemical advisory board nominees rife with conflicts of interest
- B&C TSCA Blog 10/29; EPA Releases Revised Draft TSCA Risk Evaluation for PV29 for Comment
- B&C Pesticide Law and Policy Blog 10/30; EPA Issues Annual Progress Report on Pesticide Reregistration Performance Measures and Goals

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Missouri State receives EPA Pollution Prevention Grant

Missouri State News

https://news.missouristate.edu/2020/11/02/missouri-state-receives-epa-pollution-prevention-grant/

The grant of $45,710 will help Missouri reduce waste, conserve energy and save money.

During Pollution Prevention (P2) Week, the U.S. Environmental Protection Agency (EPA) named Missouri State University as one of its grant recipients to support pollution prevention.

"This grant will allow MSU faculty, staff and students to assist Missouri manufacturers in their efforts to reduce waste, conserve energy and save money through pollution prevention technical assistance and training," said Doug Neidigh, MSU's sustainability coordinator.

About the project
The project will provide on-site pollution prevention technical assistance and training to Missouri manufacturers to help them adopt source reduction practices.

MSU is the administrator for the project and will partner with Missouri University of Science and Technology's (S&T) engineering program to implement it.

"This grant is an exciting opportunity for MSU and S&T students to be a part of the EPA project and gain valuable training and experience in the field of pollution prevention," said Dr. Sanjay Tewari, civil engineering professor at S&T and co-program manager.

Project goals will include:

- Assessments for reducing waste at the source and energy conservation/efficiency.
- Written reports of recommendations.
- Opportunities for MSU and Missouri S&T student interns to assist with project implementation.
- MSU's Management Development Institute and the Small Business Development Center will provide training sessions. They will equip manufacturing company personnel with the knowledge and skills to perform their own assessments and implement P2 opportunities.

About the Pollution Prevention Act
The Pollution Prevention Act focuses industry, government and public attention on reducing the amount of pollution through cost-effective changes in production, operation and raw materials use.

This year marks 30 years since the passage of the act.

The investment in production practices provides long-term benefits in pollution reduction and prevention.

How Much Impact Does a Presidential Election Have on EPA Work?
Kevin S. Minoli, Bloomberg Law
https://news.bloomberglaw.com/us-law-week/how-much-impact-does-a-presidential-election-have-on-epa-work

Whatever the results of this presidential election—or any presidential transition—most government workers will continue to do the same work, in the same way. Alston & Bird partner Kevin S. Minoli draws upon his 18 years at the EPA and takes a look at the Covid-19-related work of the EPA Office of Pesticide Programs (OPP) as an example of an agency office that will continue to deliver results regardless of who wins on Nov. 3.

During my 18-year career at the Environmental Protection Agency, people often asked me how much the outcome of a presidential election affected my job. My response remained consistent throughout my government service: The outcome of an election affects nothing about my job, and it affects everything about my job.

As the questioner tried to solve my riddle-like answer, I would explain what I meant. As a government lawyer, my job was to provide objective advice to my client, and to give the same objective advice regardless of who I was giving it to. In that way, the outcome of an election had no effect on my job. On

the other hand, what my client chose to do with my objective advice could be wildly different, and I had taken the same oath to zealously advocate on behalf of my client that every lawyer takes. In that way, the outcome of an election affected everything about my job.

My answer was closely tied to my status as a lawyer, but the sentiment can apply to federal employees of any position or profession. Every employee in the civil service is required by federal law to take an oath that they "will well and faithfully discharge the duties of the office on which [they] are about to enter."

The duties for nearly all positions in the federal government will tie the type of work you are expected to do to the mission and priorities of the agency. As a civil servant, you learn very early in your career that you are not in your position to advance your personal priorities or policy goals, but to "well and faithfully" do your job in support of the agency's priorities and goals.

With the potential for the outcome of an election to affect everything about the job of nearly every employee, how disruptive are presidential elections themselves on executive branch agencies? Less disruptive than you might think.

Experience From Five Presidential Elections

I was at the EPA for five presidential elections, including three where control of the White House changed parties, and in several of those years I remember being frustrated by how little anyone even acknowledged that the election was approaching. Even in 2016, when it was my responsibility to provide the legal support necessary for the transition between presidential administrations, my job still entailed providing objective legal advice to my client—just on a different subject.

Mainly because of the oath they take (and partly because the ethics rules do not allow for something different), most federal employees will continue to do the same work in the same way, even under the shadow of an impending election. That is true even for this election. Take, for example, the work of the EPA's Office of Pesticide Programs (OPP).

EPA's Office of Pesticide Programs

The government's response to the SARS-CoV-2 virus and resulting Covid-19 pandemic has emerged as a leading issue in next week's presidential election, and multiple federal agencies involved in that response have been infected with high-profile Covid-19-related controversies. The OPP plays a critical role in the government's pandemic response, determining whether disinfectant products (a list that recently reached 500) can be used against Covid-19.

Nearly everyone depends on the OPP for the safety and efficacy of the products we use in our daily lives, and there are millions of dollars at stake with each decision the office makes. And yet, the controversies experienced by other federal agencies have not spread to the OPP.

The OPP's current operational success may cause some to ask whether the outcome of the election poses a threat to the office's ability to continue to deliver on its mission. Unlike the lack of impacts leading up to an election, there will certainly be post-election impacts regardless of who wins.

Data demonstrates that a sizable portion of an agency's political appointees will depart early in a second term, and new appointees come with new ideas and priorities that may not line up with those of their predecessors.

If the country elects a new president, there will be a push by the outgoing administration to complete unfinished business even as representatives from the new administration arrive to figuratively measure the agency's drapes and decide what must be changed first.

Potentially exacerbating the impact is the sheer number of EPA officials who are eligible for retirement. The government's "leave year" ends the first week of January and is always a popular retirement date, and this year there is anecdotal evidence that the number of retirements after the election or the inauguration will be higher than normal.

But none of that is likely to stop the OPP from continuing to distinguish itself within the government's Covid-19 response.

The OPP's work is grounded in the preparation in 2016 by career civil servants who developed the EPA's emerging viral pathogens guidance that specified how the EPA would determine which products were safe and effective for use against a virus that was so new no one could even test their products against it. In the following three years, the EPA pre-approved emerging viral pathogen claims, creating a reserve army of products that could be called into duty depending on the type of viral pathogen at issue. When Covid-19 first emerged and began to spread, the OPP simply activated that army and then recruited other volunteers to join its ranks.

The OPP's current success is attributable to the work of its career employees. The political appointees responsible for the work of the OPP deserve credit for largely empowering the career employees to continue to do their jobs without inserting themselves into a process that is consistently delivering results. By doing so, they have prepared the OPP to continue to deliver results regardless of who wins next Tuesday.

Elections are filled with uncertainty and a lengthy list of "what ifs?" Thankfully, the continued performance of the EPA's Office of Pesticide Programs in determining whether disinfectants are safe and effective for use against Covid-19 can be left off that list.

Violet colorant poses risks to workers
Britt E. Erickson, Chemical & Engineering News
https://cen.acs.org/policy/chemical-regulation/Violet-colorant-poses-risks-workers/98/web/2020/10

A violet dye used in industrial carpeting, automobile plastics, inks, and other products poses unreasonable risks to workers under several use scenarios, the US Environmental Protection Agency announced Oct. 29 in a revised draft assessment. The assessment is in marked contrast to the agency's initial version, released in Nov. 2018, which concluded that the dye poses no unreasonable risks to human health or the environment.

The dye, pigment violet 29 (PV29), is one of the first 10 chemicals that the EPA is evaluating under the 2016 revisions to the Toxic Substances Control Act. The agency aims to complete all 10 assessments by the end of this year.

After receiving criticism from a scientific advisory committee and environmental groups about data gaps in its initial PV29 draft assessment, the EPA ordered chemical manufacturers to provide some of the missing information. The agency sent the order in February to Sun Chemical, the only known manufacturer of PV29 in the US, and BASF, which imports small amounts of the chemical. The EPA sought data to help characterize inhalation exposure and solubility.

The additional information, which includes particle size, solubility, and workplace dust monitoring data provided by Sun Chemical, significantly changed the outcome of the EPA's risk estimates. Under several conditions of use, inhalation of small particles of PV29 poses unreasonable risks of lung impairment in workers who are chronically exposed, the EPA concludes in the revised assessment. Consumers using watercolor and acrylic paints containing PV29 incur no unreasonable health risks, the agency says.

The EPA is accepting public comments on the revised draft PV29 assessment for 30 days. It will also identify experts to peer review the evaluation.

Bill That Would Ban Asbestos Fails in House
Lisa Whitley Coleman, EHS Daily Advisor
https://ehsdailyadvisor.blr.com/2020/10/bill-that-would-ban-asbestos-fails-in-house/

Partisan politics are blamed for the House's failure to pass a bill that would have amended the Toxic Substances Control Act (TSCA) to prohibit the manufacturing, processing, and distribution of asbestos or any mixture or article containing asbestos, according to The Hill.

Asbestos dangerThe Alan Reinstein Ban Asbestos Now Act (H.R. 1603) was originally dubbed a bipartisan bill and was scheduled for suspension by the House on September 29, 2020. "The purpose of considering bills under suspension is to dispose of non-controversial measures expeditiously," according to the Congressional Institute.

Instead, the bill was abruptly pulled from the floor without any action on October 1, 2020.

Democrats immediately called foul and condemned House representatives for blocking the long-awaited bill.

Representatives Frank Pallone, Jr. (D-NJ), chair of the House Energy and Commerce Committee; Paul Tonko (D-NY), chair of the House Energy and Commerce Subcommittee on Environment and Climate Change; and Suzanne Bonamici (D-OR) issued a joint statement on October 1, 2020:

"This bill had strong bipartisan support throughout the Committee process—but now House Republicans are changing their minds and abandoning the deal they used to support. Everyone should be able to support a ban on this known carcinogen, which has no place in our consumer products or processes. More than 40,000 Americans die every year from asbestos exposure, but Republicans are willing to look the other way.

"It appears Republicans care more about political optics than human lives. We see through it, as do the American people who want this toxic substance banned for good. Republicans walked away from this opportunity to ban asbestos merely over language that prevents shutting the courtroom door. This raises serious questions about the sincerity of their intentions."

Representatives Greg Walden (R-OR), ranking member of the House Energy and Commerce Committee, and John Shimkus (R-IL), ranking member of the House Energy and Commerce Subcommittee on Energy and Climate Change, immediately issued their own response statement to "set the record straight," blaming a last-minute language change on the bill's failure to pass.

"It's a real shame that House Democrats are more concerned with the opinion of the trial bar than getting meaningful results for the American people. Let us be clear: if the Majority would have stuck to the agreement we cut in committee and abandoned the language they dropped into H.R. 1603 last Friday, the bill would pass the House. Republicans have kept their word every step of the way and have not gone back on our agreement. Saying we walked away is simply untrue. All Democrats have to do is drop the language added to the bill by trial lawyers and bring the bill to the floor that every one of their members voted for when it was considered by our committee. If anyone's intentions should be questioned, we can assure you it's not ours."

Last-minute language was added to the bill that said the bill would have no effect on the definition of asbestos for purposes of regulating cosmetics under the Federal Food, Drug, and Cosmetic Act (FFDCA)

and for determining whether a cosmetic contains asbestos either as an ingredient or as an accessory mineral to an ingredient, such as talc.

Republicans say the added language will lead to increased litigation and that "the addition of the clause is another example of trial lawyers holding up liability protections that give businesses certainty," according to The Hill.

Many women have brought successful lawsuits over claims that their ovarian cancer was linked to baby powder containing asbestos.

"Democratic aides say they added the so-called savings clause 'to make sure nothing in the bill would block the minority women who are primarily bringing suits over harm from cosmetic talc,'" according to The Hill.

ACC Seeks Weaker EPA Ethylene Oxide Air Rule With Petition, Lawsuit
Stuart Parker, Inside EPA
https://insideepa.com/daily-news/acc-seeks-weaker-epa-ethylene-oxide-air-rule-petition-lawsuit?utm_source=dlvr.it&utm_medium=twitter

The American Chemistry Council (ACC) is fighting environmentalists' bid for a stricter EPA ethylene oxide (EtO) air rule for the miscellaneous organic chemical manufacturing (MON) sector, filing a lawsuit and an administrative petition for reconsideration saying EPA should weaken the rule because it overestimates EtO risks to the public.

ACC filed its suit Oct. 13 in the U.S. Court of Appeals for the District of Columbia Circuit, seeking review of EPA's Aug. 12 risk-and-technology review (RTR) MON rule, which sets air toxics limits for EtO and other hazardous air pollutants. EPA must under the Clean Air Act conduct an RTR eight years after it first issues an air toxics standard for an industry sector. If the agency finds remaining public health risks, or new, cost-effective control technologies now exist, it can tighten the rule.

While the suit does not give reasons for the legal action, the group in a petition for administrative reconsideration says EPA failed to give due consideration to Texas' assessment of EtO that says health risks from EtO emissions are far lower than those found by the review that the agency based its rule on.

The lawsuit and reconsideration petition counter environmentalists' D.C. Circuit lawsuit and administrative reconsideration request, also filed in October, that seek to substantially strengthen the MON rule to provide more protection against EtO exposure.

EPA in a 2016 risk assessment found the carcinogenic chemical to be considerably more dangerous to health than previously believed. Industry groups including ACC say that EPA's 2016 Integrated Risk Information System (IRIS) risk assessment is too stringent, and overstates EtO's risks.

But EPA has nonetheless used the 2016 IRIS assessment as the basis for air rules, including the MON RTR, even as ACC recommended the agency use the much less-stringent assessment of the Texas Commission on Environmental Quality (TCEQ).

In its reconsideration petition, ACC says, "EPA is required to convene such a proceeding because . . . EPA has not considered the [TCEQ's] peer reviewed assessment on ethylene oxide" and "EPA committed to address ACC's Request for Correction under the Information Quality Act (IQA) related to the validity of the IRIS value, but decided not to do so prior to the issuance of the Final Rule."

ACC says it "filed its Request for Correction in August 2018 and TCEQ first issued its draft [EtO] assessment nine months later in June 2019. When EPA proposed the MON RTR six months later, it

committed to address the concerns raised by ACC and TCEQ in the final rule." EPA then "responded to ACC's Request for Correction by committing to address the concerns ACC raised in the MON in a December 2019 response letter."

But "EPA reneged on this commitment. In the Final Rule, EPA declined to address the concerns raised in either the Request for Correction or the TCEQ analysis, stating that the rulemaking schedule did not provide sufficient time to address the issues."

IRIS 'Flaws'

ACC notes that TCEQ's peer review of its weaker EtO risk assessment is now complete, and a petition for reconsideration should not be subject to the same time constraints the RTR rule was, since EPA was under a judicial deadline to issue the rule, but has no such time limit for a possible reconsideration.

ACC says its objections are of "central relevance" to the rule, and hence merit reconsideration. The "IQA petition and the TCEQ study meet this test, because both identified significant scientific and technical flaws in the IRIS value, which directly affect the validity of EPA's determination that pre-control [EtO] exposure risks were unacceptable."

EPA did tighten controls somewhat in the MON rule, based on its reliance on the IRIS risk assessment. However, had "EPA considered the TCEQ study or the value TCEQ determined to be more appropriate, or had it adjusted its pre-control risk analysis to take into consideration the issues identified in the IQA petition, there is substantial support for the proposition that EPA would have concluded: (1) that pre-control risks were acceptable -- i.e. below 100-in-1-million -- and (2) that the existing standards provided an 'ample margin of safety.'"

The air law requires that air toxics regulations provide an "ample margin of safety." If the MON rule prior to EPA's RTR had met this bar, there would have been no basis to tighten it on the grounds of health risk, ACC says. -- Stuart Parker (sparker@iwpnews.com)

CDC Advisors Consider Recommending Stricter Lead Reference Level
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/cdc-advisors-consider-recommending-stricter-lead-reference-level

Advisors to the Centers for Disease Control and Prevention (CDC) are considering tightening their recommendation of what CDC's blood lead reference level should be, a non-regulatory construct that nevertheless drives EPA enforcement actions under TSCA and a range of other decisions at many federal, state and local agencies.

During the Oct. 30 meeting of CDC's Lead Exposure and Prevention Advisory Committee (LEPAC), a committee workgroup reported that it is crafting a report that will discuss the possibility of lowering CDC's existing reference level of 5 micrograms of lead per deciliter of blood (ug/dl) to 3.5 ug/dl.

CDC's reference level is used by local health agencies to identify children with blood lead levels that are higher than most children, according to the centers.

But it is also used to drive a series of other actions. For example, EPA's enforcement of its 2008 Toxic Substances Control Act (TSCA) Lead Renovation, Repair and Paint (LRRP) rule is tied to CDC's reference level, Tom Neltner, chemicals policy director at the Environmental Defense Fund and a former member of EPA's Children's Health Protection Advisory Committee (CHPAC), said during public comments on the LEPAC plan.

Neltner explained that "when you look at EPA enforcement" of the LRRP, "it focuses on kids over the [CDC] reference level. It has an impact on EPA compliance level."

For example, EPA last week released its annual list of enforcement actions aimed at implementing its lead-based paint rules to protect children and other vulnerable groups.

EPA also uses the reference concentration in some of its screening-level decisions at contaminated sites. But EPA, like some other agencies who base actions off the CDC reference level, has struggled to adapt to CDC's last change of the reference level.

In 2012, CDC -- at LEPAC's recommendation -- tightened the reference level from 10 ug/dl to the current standard of 5 ug/dl.

EPA is still working to adopt the current reference level in some applications, such as in models and screening levels that it uses to set remediation actions at cleanup sites. Agency science advisors last June conducted peer review of a new, all ages lead model that could replace an existing model tied to the current reference level.

LEPAC's BLRV workgroup members are crafting their report, which they will next meet to discuss Nov. 17. From there, the workgroup will plan an editing strategy and timeline for release to the broader LEPAC, workgroup chair Jill Ryer-Powder said.

"We're going to continue to research specific areas necessary to complete the report," Ryer-Powder said. "Two of the big ones are how . . . has the blood lead reference value been utilized or implemented or how are people using it -- how are doctors using it, how are states using it. So I think we need to do a little more work in that area."

LEPAC member Jeanne Briskin, director of EPA's children's health protection office, asked for "crystal" clarity "about the reference level of 3.5 that was going to be recommended. Is that based on national statistics? Is the working group's recommendation based on health outcomes?"

Statistical Determination

Patrick Breysse, director of CDC's National Center for Environmental Health and Agency for Toxic Substances and Disease Registry, explained the CDC's reference value is "based on the statistical determination of the distribution of" blood lead values found in the annual national biomonitoring survey CDC conducts, known as the National Health and Nutrition Examination Survey (NHANES). "Our stated procedure would be to look at the data and adjust the reference value based on those numbers," he explained, adding that at this point, that analysis results in a value of 3.5.

"We ask the work group to, first of all, assess whether that's still an appropriate method for establishing our reference value. If so, to recommend that we reduce it to 3.5, which is where it would be right now based on the NHANES data."

Ryder-Power acknowledged that the reference level is not a health-based level.

Noting that there is no safe level of exposure to lead, she said she hopes that the committee's report will "relay the information that that 3.5 [value] is not a safe level but it's a level where there should be some kind of action taken."

Breysse explained that "we're looking to the work group to make a recommendation on the blood lead reference value. Once we get that we'll raise that issue with the full [LEPAC.] And we'll ask for your

endorsement, or not, of that going forward. So we will be asking you guys to give us a recommendation. It'll be guidance to us."

But Paul Moyer, with the Association of Public Health Laboratories, a group of state and local labs, raised the concern that testing technology is not yet capable of measuring to 3.5 ug/dl reliably. "Many of our labs perform confirmatory blood-lead testing. . . . We strongly agree no child should live with elevated blood lead," he said. But, we are "very concerned that the best intentions might cause inadvertent harm."

Moyer explained that some labs are "not capable of performing at the 3.5 level value. There is a huge amount of uncertainty . . . instruments have inherent [technical limitations.] . . . It cannot be assumed that lowering the level can drive technology."

Moyer also warned that because of "analytical uncertainty with this lower" reference value, he predicted more children will receive false positive results, resulting in additional testing and stress for them and their families. He added that state and local blood lead prevention programs [would] need to provide services to a larger number of children" and he urged that these consequences "be considered before the 3.5 reference level is implemented."

But Dave Jacobs, chief scientist at the National Center for Healthy Housing, appeared to suggest another path forward in his public comments.

Jacobs, another former member of EPA's CHPAC, reminded committee members that in the past, CDC had multiple levels that were set to trigger different kinds of actions.

"As the committee deliberates on what the reference value means, we should examine that synonymous meaning ... [that] a reference value should be the same thing [as a case definition.] There is precedence for this," he said, noting that in 1991, CDC had a set of numbers there were intervention levels that were different.

"I submit they are somewhat different and policies can be adopted so the public can understand exactly what the difference means."

Jacobs added, "I look forward to the deliberations and am hopeful we can gain some clarity and means to further reduce the blood lead level in the population at large." -- Maria Hegstad (mhegstad@iwpnews.com)

Senate GOP Shakeup On Environment Panel May Bring New PFAS Focus
Rick Weber, Inside TSCA
https://insideepa.com/tsca-news/senate-gop-shakeup-environment-panel-may-bring-new-pfas-focus

Republican leadership on the Senate environment committee will change next year regardless of the election's outcome, with Sen. Shelley Moore Capito (R-WV), who is widely expected to win re-election to a second term, in line to take the GOP reins, bringing a new focus to regulating per- and polyfluoroalkyl substances (PFAS) and other issues.

Capito has been a vocal proponent for a more active federal response to PFAS and has frequently clashed with the Trump administration over the issue given high-profile concerns about contamination from a DuPont manufacturing facility in her home state.

The committee shakeup will be prompted by Sen. John Barrasso (R-WY), the current chairman of the Environment and Public Works Committee, moving to lead the Energy and Natural Resources

Committee because the current chair, Sen. Lisa Murkowski (R-AK) is term limited. Under Senate GOP caucus rules, senators are limited to leading their committee members for three Congresses.

"It's the working assumption among energy lobbyists that Barrasso will be leading Republicans on the energy committee next year," said an industry source.

That anticipated move will clear the way for Capito, who is ahead in the polls by a comfortable margin, to take over as Republican leader on the environment committee -- as chairman if the GOP retains control of the Senate or as ranking Republican if Democrats do.

That would put the second-term senator opposite Sen. Tom Carper (D-DE), the committee's top Democrat, who would be in line to assume the chairmanship should Democrats succeed in flipping the Senate on Nov. 3.

Regardless of the chairmanship, a Capito-Carper duo leading the two parties on the committee would bring to the forefront a number of issues including addressing concerns about PFAS contamination which is a hot-button issue in the states of both senators.

The two lawmakers have worked together previously on PFAS issues. For example, in 2019, Capito was the lead sponsor of a bipartisan amendment, co-sponsored with Carper and Barrasso, to step up EPA regulation of PFAS.

The amendment, which was attached to the 2020 National Defense Authorization Act (NDAA) and enacted by President Donald Trump, including provisions requiring EPA to regulate new uses of certain PFAS under the Toxic Substances Control Act and imposed reporting requirements for 172 PFAS under the Toxic Release Inventory.

"On the regulatory front, Senator Capito is focused on providing regulatory certainty and making sure that the EPA meets statutory deadlines" for air pollutants as well as regulating PFAS and other "emerging contaminants," Capito's spokesperson.

"She's also focused on looking to appropriate water standards on PFAS and other emerging contaminants," the spokesperson added, indirectly referring to the Trump EPA's resistance to setting up drinking water health advisories for PFAS and instead leaving the issue up to states.

Beck Nomination

Capito has also helped stall the Trump administration's nominee to lead the Consumer Product Safety Commission, Nancy Beck, after she raised public concerns about Beck's role in scaling back PFAS regulations.

"Dr. Nancy Beck's record as it relates to PFAS chemicals, as well as her responses to my questions and the questions of other Senators at yesterday's Commerce Committee hearing have led me to conclude that she is not the right person to lead the [CPSC]," Capito said in June following the confirmation hearing.

Such concerns appear to be shared by Carper, who is seeking an investigation by EPA's Inspector General into Beck's role in last-minute revisions EPA made to a TSCA rule the agency was required to issue under the senators' NDAA amendment.

"I request that you investigate the manner in which the PFAS SNUR was re-proposed and finalized, including the basis for the reversal of EPA's apparent decision that its process did not require inter-agency and White House review, and whether the process used to significantly alter the rule after it was

signed but before it was published in the Federal Register was appropriate and legal," Carper wrote to the OIG in a July 28 letter.

As such, the PFAS issue, among others, could play a solidifying role for how Carper and Capito choose to manage the committee.

Capito's elevation will create a "collegial" environment on the committee working with Carper regardless of which party is in the majority, the industry source said.

"Capito will be a good person to have in leadership of the committee because she'll be a good opposite side of Carper," who has been a vocal critic of the Trump EPA, the source said. The source added that Carper has shown himself to value "listening to the other side" but will "put his foot down when need be."

On the other hand, Barrasso's move to the energy committee will match up well with the current ranking member, Sen. Joe Manchin (D-WV), the source said, because they come from states that have similar energy constituents on issues such as carbon capture, wind development and infrastructure development.

Manchin is the senior senator from Capito's home state of West Virginia, which has an energy profile more similar to Wyoming, Bassarro's home state, than to outgoing chairwoman Murkowski's Alaska, the source said.

Among Capito's top priorities for the environment committee are continuing to work toward addressing climate change through a business-friendly strategy. "This issue transcends EPW's jurisdiction and Senator Capito has worked on several aspects of it," her spokesperson said, citing the Clean Industrial Technology Act and carbon-capture tax credits known as 45Q.

Also, Capito is expected to emphasize the committee's work on upcoming highway legislation and water infrastructure investments. "Senator Capito is committed to strengthening our existing water and wastewater infrastructure and providing federal support for new investments," the spokesperson said. -- Rick Weber (rweber@iwpnews.com)

EPA Floats Options For HBCD Rules While Advocates Sue Over Risk Evaluation
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/epa-floats-options-hbcd-rules-while-advocates-sue-over-risk-evaluation

EPA is floating a series of options for regulating uses of a group of flame retardant chemicals that the agency found in a draft evaluation pose "unreasonable risks," options which appear to address some concerns that environmentalists have already raised as they sue EPA over its draft evaluation.

According to slides EPA staff presented at a closed Oct. 16 environmental roundtable hosted by the Small Business Administration's (SBA) Office of Advocacy, the agency is considering options for regulating the hexabromocyclododecane (HBCD) cluster under the Toxic Substances Control Act (TSCA) that range from banning certain uses to labeling import containers or setting an occupational air exposure limit.

The presentation was the third EPA staff have given at such SBA roundtables, following presentations last month on the agency's final risk evaluations of the solvents 1-bromopropane (1-BP) and methylene chloride.

The chemicals are the first three completed among the first batch of 10 existing chemicals EPA began evaluating as part of its nascent TSCA program and for which the agency has completed evaluations.

As such, the completed evaluations trigger strict timelines during which EPA must propose and finalize regulations to address the unreasonable risks that the agency found associated with the chemicals' uses.

For HBCD, the pending rules are intended to address the agency's conclusions in its final risk evaluation that six of 12 commercial, industrial, recycling or disposal uses it evaluated pose "unreasonable risks" to workers and the environment that require regulation.

The chemicals have primarily been used as a flame retardant "added to polystyrene to make insulation boards for buildings" with smaller amounts of HBCD "incorporated into solder paste and replacement automobile parts," the agency said in its presentation.

Unlike the first two evaluations, EPA strengthened its final evaluation of HBCD from the draft, finding that six of 12 uses pose unreasonable risk -- a change from the draft which found no uses pose such risks.

But as with 1-BP and methylene chloride, the agency's findings that certain uses of HBCD do not pose unreasonable risk has already drawn a lawsuit from environmentalists, who argue the evaluation violates TSCA because it precludes certain exposures from evaluation.

Specifically, environmentalists charged that ongoing disposal of building insulation that contains the chemical ignored exposures faced by susceptible subpopulations -- including Indigenous populations in Alaska that consume large quantities of HBCD-contaminated fish -- and failed to assess risks faced by firefighters who may be exposed.

"EPA ignored the exposures that result from the ongoing disposal of HBCD, even though millions of pounds of HBCD-containing material are sent to landfills for which there are few regulations," Erin Fitzgerald, press secretary at Earthjustice, said in an Oct. 19 press release.

Regulatory Options

EPA's options for regulating HBCD are very different from those the agency outlined in earlier presentations to SBA on the two solvents, 1-BP and methylene chloride.

And some appear to address, at least in part, concerns raised in the environmentalists' suit.

For example, EPA in its final evaluation concludes that "disposal (demolition) of insulation boards" poses unreasonable risks to workers and the environment.

Among the possible regulations listed in the presentation is "Prohibit or regulate manner of commercial disposal," as well as "Require work practices that reduce dust emissions at construction and demolition sites."

However, other options that EPA listed are less likely to win favor with environmentalists. For example, EPA suggests it may propose to prominently label import containers with "specific directions, limitations, and precautions, or that describes the health endpoints," an approach that environmentalists generally oppose.

EPA also suggested several other options that environmentalists may favor, including banning imports, processing or distribution for certain uses; requiring the use of specific engineering controls or protective equipment at occupational sites; setting an occupational air exposure limit such as an Existing

Chemical Exposure Limit (ECEL); requiring development of a hazard communication program for workers; requiring monitoring of workplace exposures; requiring companies to keep business records and requiring companies to "provide downstream notification to help ensure regulatory information reaches all users in the supply chain."

And the agency also said it may require manufacturers to "redesign import containers to prevent release to the environment"; require the use of controls or equipment that would "contain releases to outside air at facilities that import, process, or recycle" HBCD.

EPA also indicates in its presentation that TSCA section 6(c)(2) regarding "Complex Consumer and Durable Goods" will likely come into play in designing the HBCD risk management rules.

The presentation explains that "EPA shall exempt replacement parts for complex durable goods and complex consumer goods designed prior to publication of the risk management rule from section 6(a) unless the Administrator finds that such replacement parts contribute significantly to the risk, identified in a risk evaluation, to the general population or to an identified potentially exposed or susceptible subpopulation."

The presentation defines complex consumer goods and complex durable goods, noting that the former refers to "electronic or mechanical devices composed of multiple manufactured components, with an intended useful life of 3 or more years, where the product is typically not consumed, destroyed, or discarded after a single use, and the components of which would be impracticable to redesign or replace. In contrast, complex durable goods refer to products "composed of 100 or more manufactured components, with an intended useful life of 5 or more years, where the product is typically not consumed, destroyed, or discarded after a single use."

As in its previous presentations, staff urged companies to share information that will be helpful to the agency in crafting the rules, such as how to control exposures, current work practices, essential uses, uses that have been or could be phased out and safe and effective substitute chemicals. -- Maria Hegstad (mhegstad@iwpnews.com)

Lawsuit aims to block EPA approval of common weedkiller

Marc Heller, E&E News

https://www.eenews.net/eenewspm/2020/10/30/stories/1063717471?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeenewspm

Groups opposed to the herbicide atrazine sued EPA today to block the agency's recent reapproval of the farm chemical.

The Center for Food Safety and other groups said EPA failed to adequately consider risks to public health and the environment in approving atrazine on an interim basis in September. They filed a legal challenge in the 9th U.S. Circuit Court of Appeals.

"There are few pesticides that cause this much harm at such low doses," Nathan Donley, senior scientist at the Center for Biological Diversity, which joined the legal challenge, said in a news release. "We're not going to just stand by and watch another generation get poisoned by one of the most dangerous pesticides still in use."

He said the agency had "sunk to a new low" in approving it, given risks of exposure to children.

Atrazine, the second most commonly used weedkiller in the U.S. behind glyphosate, has been tied to birth defects in humans and to deformities in amphibians such as frogs when it escapes into bodies of water. Farmers use it on corn, sorghum and other crops, and it's sometimes used on turf grass.

Farmers use atrazine on about 53 million acres of field corn annually, or slightly more than half the nation's crop, according to EPA's interim approval.

EPA said it would end use in some settings, such as forestry, Christmas trees and bioenergy crops. The agency said it would also end roadside use (Greenwire, Sept. 21).

Other changes include requirements for additional personal protective equipment for people who apply atrazine and some additional limitations on aerial spraying. The CBD said personal protective equipment isn't effective for atrazine.

Atrazine has already been ensnared in a legal challenge against EPA from the CBD and other groups, resulting in a partial settlement agreement requiring a review of risks to endangered species. The deadline for that assessment is next September.

Despite the new restrictions — some of which the manufacturer, Syngenta, volunteered to meet — the CBD said EPA's latest action allows increased use of atrazine nationwide and weakens some of the protection standards in tests that are performed on laboratory rodents. The newly adopted standard followed recommendations from Syngenta, according to the groups filing today's lawsuit.

The lawsuit also seeks to block re-registrations for simazine and propazine, which are in the same class of pesticides and were part of the same review process at EPA.

The action on atrazine comes as EPA advances a flurry of pesticide registrations, some of which agency Administrator Andrew Wheeler has highlighted on visits to agricultural areas in potential swing states in next week's elections, or in appearances with agriculture groups. All of the reviews are part of EPA's periodic assessments of farm chemicals for renewed registrations (Greenwire, Oct. 28).

LAWSUIT CHALLENGES EPA REAPPROVAL OF ENDOCRINE-DISRUPTING PESTICIDE ATRAZINE
Center for Food Safety
https://www.centerforfoodsafety.org/press-releases/6182/lawsuit-challenges-epa-reapproval-of-endocrine-disrupting-pesticide-atrazine

Washington, D.C.—Public-interest groups sued the U.S. Environmental Protection Agency (EPA) today over its decision to reapprove atrazine, an endocrine-disrupting herbicide banned across much of the world.

Atrazine castrates frogs, impairs fish reproduction, and is linked to birth defects and cancer in humans. This decision is part of a sweeping effort by the EPA in recent months to quickly approve numerous extremely controversial and harmful pesticides, including dicamba, paraquat, 1,3-D, and multiple pyrethroids.

Today's lawsuit, filed in the Ninth Circuit Court of Appeals, contends that before reapproving atrazine, the EPA failed in its legal duty to ensure that the pesticide would not cause unreasonable harm to public health and the environment.

"In siding with the pesticide industry over young children, the pesticide office at the EPA has sunk to a new low," said Nathan Donley, a senior scientist at the Center for Biological Diversity. "There are few pesticides that cause this much harm at such low doses. We're not going to just stand by and watch another generation get poisoned by one of the most dangerous pesticides still in use."

The recent atrazine reapproval eliminated longstanding safeguards for children's health, allowed 50% more atrazine to end up in U.S. waterways, and perpetuated dangerously high risks to farmworkers and their families.

Despite being banned in more than 35 countries, atrazine remains the second-most used pesticide in the United States: About 70 million pounds are used each year in agriculture.

"Rather than doing its job of protecting human health and the environment, EPA heeded to political expediency and rushed to reapprove this toxic pesticide. We are in court to make sure EPA answers for its blatant disregard of the lives of our nation's farmworkers and their children," said Sylvia Wu, senior attorney at Center for Food Safety, who is representing the petitioners in the lawsuit.

Today's lawsuit also challenges the EPA's reapprovals of two other pesticides in the triazine class, propazine and simazine, which were part of the same review process as atrazine.

In allowing the continued use of atrazine, the EPA discarded safety precautions mandated under the Food Quality Protection Act that were put in place decades ago to limit young children's exposure to the pesticide. In doing so, the agency ignored multiple independent epidemiological studies finding that developing embryos and young children are at high risk from atrazine. These findings are supported by animal studies, which likewise demonstrate adverse birth outcomes and reproductive effects.

In assessing atrazine, the EPA also reduced the protection factor it uses to convert toxicity levels observed in rat and mouse studies to levels considered safe for humans. The more permissive benchmark relies solely on a model developed by the primary manufacturer of atrazine, Syngenta.

Had the safety standards been based on independent science, atrazine uses on lawns and turf would likely have been cancelled due to unacceptable harms to children. The approval only mandated a modest reduction in the application rate for turf.

Additionally, the EPA dismissed extensive evidence showing that personal protection equipment intended to reduce farmworkers' exposure to atrazine is ineffective and infeasible, thus putting the health of this highly exposed group at risk.

The reapproval also weakened environmental safeguards put in place in 2006 to protect aquatic life from harmful atrazine exposure, a move that will increase the amount of atrazine allowed in waterways across the United States.

Additional client quotes:

"If EPA were actually doing its job, this chemical would have been off the market years ago," said Kristin Schafer, executive director of Pesticide Action Network. "The science on atrazine's harms is so clear that it's been banned in Europe for more than a decade, yet here in this country EPA is now loosening use restrictions—once again putting corporate interests over public health or the environment."

"EPA's failure to remove atrazine represents a dramatic failure of a federal agency charged with safeguarding the health of people, wildlife, and the environment," said Jay Feldman, executive director of Beyond Pesticides. "We seek to uphold the agency's duty to act on the science, in the face of viable alternatives to this highly toxic weedkiller."

EPA excludes 'zone requirements' for pesticide applications
The Fence Post
https://www.thefencepost.com/news/epa-excludes-zone-requirements-for-pesticide-applications/

Environmental Protection Agency Administrator Andrew Wheeler on Thursday announced that the agency has changed the regulation for the application of pesticides so that the Application Exclusion Zone applies only within the boundaries of the agricultural establishment and not off the farm.

The change also exempted immediate family members of farm owners from all aspects of the AEZ requirements. EPA said the change means that "farm owners and their immediate family are now able to shelter in place inside closed buildings, giving farm owners and immediate family members flexibility to decide whether to stay on-site during pesticide applications, rather than compelling them to leave even when they feel safe remaining."

The regulation added new clarifying language so that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the zone, and simplified criteria to determine whether pesticide applications are subject to the 25- or 100-foot zone.

"Today's revisions are consistent with the 2018 Pesticide Registration Improvement Act (PRIA)," EPA said. The AEZ requirements are part of EPA's agricultural Worker Protection Standard regulations.

"Since Day One, the Trump administration has been committed to protecting the health of all our citizens," said Wheeler. "The changes to the AEZ requirements make it easier to ensure people near our nation's farms are protected, while simultaneously enhancing the workability of these provisions for farm owners and protecting the environment."

EPA noted that the original regulation was enacted in 1992 under EPA's Federal Insecticide, Fungicide, and Rodenticide Act authorities to protect farm workers from pesticide exposures in production agriculture.

The Worker Protection Standard requires owners and employers on agricultural establishments and commercial pesticide-handling establishments to protect employees on farms, forests, nurseries, and greenhouses from occupational exposure to agricultural pesticides.

In 2015, EPA revised the regulation to require agricultural employers to keep workers and all other individuals out of an area called the "application exclusion zone" (AEZ) during outdoor pesticide applications.

The AEZ is the area surrounding pesticide application equipment that exists only during outdoor production pesticide applications, and is described as 25 feet in all directions for ground pesticide applications when sprayed from a height greater than 12 inches, and 100 feet in all directions for outdoor aerial, air blast, air-propelled, fumigant, smoke, mist and fog pesticide applications.

EPA documents show dicamba damage worse than previously thought

Johnathan Hettinger, St. Louis Post-Dispatch

https://www.stltoday.com/news/local/state-and-regional/epa-documents-show-dicamba-damage-worse-than-previously-thought/article_36f21c52-7459-5ee0-8bae-21bf5e9f89d2.html

Despite its decision this week to allow use of dicamba, the Environmental Protection Agency's own data shows that the damage from the controversial weedkiller was worse than previously known.

Dicamba harmed tens of thousands of farmers, overwhelmed state agriculture departments and damaged research plots across the United States, according to documents the federal agency released Tuesday. Wide swaths of natural areas and rural communities were also poisoned.

Attempting to curb the damage, the agency implemented new measures, including nationwide cut-off dates after which dicamba cannot be sprayed. The agency said this gives it "90% confidence" the damage will go away, documents show.

The Trump administration approved dicamba for five more years this week, reinstating the weedkiller after it had been banned earlier this year by a federal court for causing widespread damage to farmers and the environment.

In making the announcement Tuesday, EPA Administrator Andrew Wheeler claimed that new changes to the way the weedkiller can be sprayed will eliminate concerns about damaging other crops. Chemical companies and farming organizations praised the decision, but others aren't so sure the proposed changes — the third in four years — will work.

"It is difficult for me to believe somehow that after four bites at the apple, everything is going to be good for the next five years," said Andrew Thostenson, pesticide program specialist for North Dakota State University Extension. "That's just my concern based on what we've observed to date."

A Midwest Center for Investigative Reporting review of the EPA documents released as part of its decision found:

• Nearly 5,600 farmers reported dicamba damage to Bayer and BASF, makers of dicamba, from 2017-2019, and the EPA estimates this could be as much as a 25-fold underreporting of incidents.

• A USDA report found that 65,000 soybean fields (4% of all soybean farms) across 4.1 million acres were damaged in 2018 alone. This is the largest estimated total of damage yet reported. A 2017 report from University of Missouri weed scientist Kevin Bradley estimated damage that year at 3.6 million acres.

• State ag departments are suffering from "dicamba fatigue" as they investigate the complaints and have spent millions of dollars doing so each year. The report also said that state agencies are so focused on dicamba that they are having difficulty meeting other regulatory standards for issues like worker protection and training. The state of Indiana, for example, spent $1.2 million in 2017, $2.2 million in 2018 and $800,000 in 2019.

• More than half of crop research stations from the Weed Science Society of America saw damage in 2019, and 30% reported monetary losses.

Conservationists, whose lawsuit successfully got the weedkiller banned in June, have pledged to sue again.

In making the June decision to ban the pesticide, a panel of three federal judges ruled that the EPA failed to properly consider harms to thousands of farmers and had an absence of substantial evidence to support approving the pesticide. The court immediately vacated the registration, but the EPA allowed continued spraying through this growing season.

Extent of the damage

Farmers have suffered in recent years as dicamba has drifted from their neighbors' fields and damaged their crops. Earlier this year, Bayer reached a $400 million settlement with farmers damaged by dicamba in the past few years.

Between 2017 and 2019, 5,600 farmers filed complaints with Bayer and BASF about their crops being damaged. These farmers reported damage to peaches, cotton, tobacco, tomatoes, trees, sunflowers and many other crops. The EPA said it is unable to quantify the monetary losses.

The extent of the damage went beyond farm fields. A report from the Arkansas Audubon Society found dicamba damage to plants in 86 natural areas. A report from the Illinois-based environmental nonprofit Prairie Rivers Network also found herbicide damage similar to dicamba at dozens of locations across the state.

Dicamba coverage by the Post-Dispatch
Bayer and BASF have also blamed farmers illegally spraying older versions of dicamba on the damage. According to a USDA survey, more than half of dicamba applications in 2018 were of older versions of dicamba that are more likely to volatilize — or turn into a gas and spread — and illegal to spray on the genetically modified crops.

In a document justifying its decision, the EPA said it would expect the damage to continue, even if they did not approve the new dicamba formulations because of continued illegal spraying.

For years, Bayer and BASF have denied that volatility is a problem with their new formulations of dicamba.

However, the EPA is taking several measures to address volatility with the new label, including requiring a volatility reduction agent, requiring a 57-foot omni-directional buffer when dicamba is sprayed in areas where endangered species are present and implementing a cut-off date after which dicamba cannot be sprayed.

The cut-off date requirement is designed to ensure that dicamba is sprayed in lower temperatures, the EPA said. More than four-out-of-five off-target movement incidents happened above 80 degrees Fahrenheit, documents show.

About 60% of damage incidents have been reported after June 30, the new cut-off date; however, symptoms of dicamba damage can take two weeks to show up. Many states have implemented cut-off dates, with varying luck at preventing dicamba damage.

The EPA has also required all farmers use a chemical that reduces the chances dicamba will volatize. Studies show this chemical is 89% effective at staying within the EPA's required buffer.

Drift, which occurs when a weedkiller is blown by the wind while it is being sprayed, is also a significant issue that the EPA's changes address. The EPA increased a downwind buffer from 110 feet to 240 feet. The agency also increased the distance to 310 feet in counties where endangered species are present.

Evidence in the decision supporting the registration shows that 25.1% of damage reports with a known distance from a source of dicamba occurred at distances greater than 110 feet, the previous buffer. Some damage was reported more than a mile and a half from a dicamba source.

"When used in combination as required, the suite of control measures has been determined to be protective with 90% confidence," said an EPA memo supporting the decision.

Proposed changes still complicate spraying
The label that was vacated by the Ninth Circuit was nearly impossible to follow, yet Jean Payne, president of the Illinois Fertilizer and Chemical Association, said the new label isn't much better.

"It's not easy to follow," Payne said.

The large downwind buffers means sprayers will often have to spray one day and then come back a different day when the wind is blowing a different direction, she said. Payne said she could see the

buffer issues leading to more interest in competing weed control systems like Corteva's Enlist (resistant to 2,4-D), BASF's LibertyLink (resistant to glufosinate) and Bayer's new XtendFlex soybeans (resistant to dicamba and glufosinate).

"Management is still very much a challenge with this," Payne said.

In fields with glyphosate-resistant weeds, farmers are likely to see 14% less revenue, the EPA found. The EPA said it received many letters from farm organizations asking for dicamba to be able to be used on these weeds because of these losses.

An EPA financial assessment used to justify the decision found that Bayer's dicamba-tolerant soybeans are likely to make farmers more money than Corteva's 2,4-D-tolerant soybeans.

However, states haven't seen as much damage with the 2,4-D system.

Illinois, the nation's leading soybean producing state, has seen more dicamba damage than any other, with more than 1,450 complaints from 2017-2019. The state has attempted to address the damage with a cut-off date and increased training, but farmers had more than 700 damage reports in 2019. In 2020, with a June 25 cut-off date, Illinois had 149 dicamba-related complaints.

In 2020, 2,4-D-resistant crops made up 30% of soybeans, yet the state received zero complaints, Payne said. She said there are never any issues with glufosinate, either.

One argument made in recent years has been that many farmers are planting dicamba-tolerant crops defensively, or as a way to make sure they are not damaged by other farmers spraying the weedkiller.

The EPA's decision provides evidence for this.

In 2018, only 51% percent of farmers sprayed dicamba on dicamba-tolerant crops. By comparison, more than 90% of farmers sprayed the associated herbicides on the crop's two largest competitors, glyphosate-resistant crops and glufosinate-resistant crops.

Even with the label changes, Payne said she still expects "coexistence issues" between dicamba sprayers and farmers whose crops are not resistant to dicamba, as well as with homeowners and gardeners.

"Coexistence issues are as serious as they've always been," Payne said.

EPA announces 5-year dicamba extension; North Dakota ag officials pleased
The Bismark Tribune
https://bismarcktribune.com/news/agnews/epa-announces-5-year-dicamba-extension-north-dakota-ag-officials-pleased/article_754c83de-748d-5b90-8494-203d2fd15e81.html

The Environmental Protection Agency recently approved two dicamba weedkiller products and extended the registration of another, a move welcomed by North Dakota agricultural officials but not by some environmental groups.

EPA approved new five-year registrations for XtendiMax with VaporGrip Technology and Engenia Herbicide, and extended the registration for Tavium Plus VaporGrip Technology. The registrations are for use on dicamba-tolerant cotton and soybeans.

"After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a

resolution that is good for our farmers and our environment," EPA Administrator Andrew Wheeler said in a statement last week.

The registrations include new control measures to help manage off-site drift. Dicamba has been used on tens of millions of acres of soybeans and cotton nationwide. But there have been widespread complaints about dicamba-based herbicides drifting off-target and contaminating neighboring fields.

The EPA in June canceled the registrations for dicamba products Xtendimax, FeXapan and Engenia following a federal appeals court ruling that the government must revoke its approval. North Dakota's Department of Agriculture canceled its state registrations of the products, meaning sales were no longer allowed, though farmers who had already bought product for the crop season could still use it.

"The EPA has reviewed available information and science and has conducted assessments to ensure any concerns expressed by the latest court decision have been addressed," Agriculture Commissioner Doug Goehring said in a statement. "We appreciate the certainty this gives our farmers in order to make plans for the next growing season."

The agriculture department will review the labels once they're submitted as part of the state registration process, Goehring said.

The American Soybean Association also praised the EPA's move, as did North Dakota's congressional delegation and the North Dakota Farm Bureau.

"This past year, farmers who used dicamba faced uncertainty when the courts stepped in, causing added stress to agriculture," Farm Bureau President Daryl Lies said. "The new registration relieves some of the stress farmers have as they start to plan for next spring."

This decision is viewed as a victory for BASF and Bayer, which utilize dicamba products in their seed lines. But some environmental groups plan to challenge the decision.

"Rather than evaluating the significant costs of dicamba drift as the 9th Circuit told them the law required, EPA rushed re-approval as a political prop just before the election, sentencing farmers and the environment to another five years of unacceptable damage," said George Kimbrell, legal director at Center for Food Safety. "We will most certainly challenge these unlawful approvals."

(The Associated Press contributed to this story.)

NEW DICAMBA GUIDELINES MEAN MORE TIME & EXPENSE FOR GROWERS

Larry Lee, Brownfield Ag News
https://www.natlawreview.com/article/epa-announces-one-its-largest-ever-fifra-civil-settlements

A weed scientist says it's good to have dicamba re-registered and available for the 2021 growing season, but it will mean more effort and expense for growers.

Rodrigo Werle with the University of Wisconsin tells Brownfield some of the required pH balancing agent is already in dicamba jugs, but not enough to meet the new label restrictions. He says, "You're going to have to buy the extra agent on top of that, so it's not going to come in the same dicamba jug."

Werle says unfortunately for growers, this means an added cost. "There is not a solid price. My understanding is that it has to affordable, otherwise our growers are going to go away from it, but it's probably going to be a couple of dollars extra on a per-acre basis."

And, Werle says when mixing dicamba, the products must me mixed in a certain order. "(The) pH buffers go in first. Then you bring your dicamba, and lastly, your glyphosate."

Werle says the June 30th cutoff date won't be a concern, especially if growers have a good pre-emergence plan and plant their soybeans as early as possible.

Attorney General Becerra Continues to Push EPA to Complete Required Evaluation of Pesticide Toxic to Pollinators, like Bees, Critical to Agriculture

EIN Presswire

https://www.einnews.com/pr_news/529826685/attorney-general-becerra-continues-to-push-epa-to-complete-required-evaluation-of-pesticide-toxic-to-pollinators-like-bees-critical-to-agriculture

SACRAMENTO – California Attorney General Xavier Becerra today urged the Environmental Protection Agency (EPA) to revise and recirculate its draft risk assessment of flonicamid, a pesticide toxic to pollinators like bees which are critical to agriculture. Despite evidence showing that flonicamid poses a higher risk to pollinators than previously understood, the EPA has repeatedly failed to collect data from required follow-up studies and continues to move forward with the registration process despite significant information gaps. Earlier this year, Attorney General Becerra expressed concern over the EPA's risk assessment and manufacturer ISK Biosciences' application for new uses of flonicamid. In today's comment letter, Attorney General Becerra once again urges the EPA to review the forthcoming follow-up studies, revise its ecological risk assessment, propose any necessary mitigation, and circulate its findings for public comment prior to issuing a registration decision.

"The Trump Administration's EPA is failing at one of its most basic jobs by plowing ahead with the registration process for flonicamid before receiving additional data on its impact to pollinators like bees," said Attorney General Becerra. "California relies on pollination from bees for agriculture, a driving force of our state's economy. We cannot ignore the environmental and economic implications of this decision – and the EPA cannot ignore its responsibilities under the law. The EPA must do its homework before it allows flonicamid to be used for another 15 years."

Under the Federal Insecticide, Fungicide, and Rodenticide Act, all pesticides must receive regulatory approval from the EPA before they are put into use. The EPA reviews pesticide registration every 15 years to ensure registration is based on current information regarding the health and environmental impacts of a pesticide's use. Many pesticides, including flonicamid, have come under increasing scrutiny in recent years for their adverse health and environmental effects. Flonicamid is a pesticide that manages crop pests by preventing them from eating, causing insects to die of starvation or dehydration. New studies submitted by ISK show that the application of the pesticide to crops exposes bees to up to 51 times the amount of flonicamid that would cause them substantial harm, posing significant risks to these pollinators.

Flonicamid's potential adverse effects on pollinators are of critical concern in California, where pollinators play a critical role in the environment and the economy. Pollination by native bees increases the United States' agricultural output by more than $3 billion each year, and over a third of the country's vegetables and two-thirds of the country's fruits and nuts are grown in California. Studies show that crop yields increase substantially in areas with denser native bee populations. Yet studies also show that California's major agricultural regions, such as the Central Valley, have experienced some of the steepest declines in native bee populations anywhere in the country.

On September 2, 2020, the EPA released a Proposed Interim Registration Review Decision for flonicamid that again failed to include and consider additional, required pollinator studies necessary for a registration decision. While the EPA claims that ISK has committed to conducting these studies, it has not committed to reviewing the data from these studies before issuing a final interim decision. In the

comment letter, Attorney General Becerra argues that the EPA must gather the necessary data, describe flonicamid's risks to pollinators, and recirculate its draft ecological risk assessment before re-registering flonicamid.

A copy of the comment letter can be found here.

Researcher finds pesticide label discrepancies, could hurt honey bees
Sierra Dawn McClain, Capital Press
https://www.capitalpress.com/ag_sectors/orchards_nuts_vines/researcher-finds-pesticide-label-discrepancies-could-hurt-honey-bees/article_33a74f9e-1acb-11eb-9e3d-6f9768068106.html

More than 30% of pesticide labels fail to follow Environmental Protection Agency recommendations and provide incorrect information about their toxicity to pollinators, according to a study by Oregon State University Extension Service.

Experts say inconsistent labels may cause unintentional pesticide misuse, which could threaten honey bees, worth some $20 million to American agriculture.

The research, experts say, may help regulators identify labels that need amending. In the meantime, it has prompted OSU Extension to offer better education to pesticide applicators.

The discovery was made by an unsuspecting young student.

"I kind of stumbled onto this research project by accident," said Matthew Bucy, a pesticide registration specialist at the Oregon Department of Agriculture.

Bucy is a recent OSU graduate. As an undergraduate honors student last year, his job was to read through hundreds of pesticide labels and update a data table. The work was tedious, and Bucy said he did not anticipate his big discovery.

After studying 232 insecticide labels, Bucy said a pattern became clear. About a third of the labels deviated from EPA recommendations. Many, for example, didn't list accurate details about their residual or acute toxicity.

Bucy's accidental discovery evolved into a major research project that didn't end when he graduated.

Rose Kachadoorian, pesticide specialist at ODA and formerly an adviser on Bucy's thesis committee, said the pesticides weren't misbranded or mislabeled intentionally; they were simply outdated.

"They're just old. A lot of the language is what we call legacy language," said Kachadoorian.

Kachadoorian said the problem of outdated labels seems to stem from the fact that the EPA is continuously short-staffed.

Kachadoorian, Bucy and experts at the American Association of Pesticide Control Officials formed a working group to address the labeling problem, but because EPA is understaffed, the researchers say they expect changing label language will take time.

Kachadoorian said her vision is also to create a more standardized labeling system for pesticides. Look at FDA pharmaceutical labels, she said, and they all have similar formatting. You know where to look on the label to find things like dosage and possible side effects. But pesticide labels look different across companies, making information harder to find. Kachadoorian's working group will encourage more consistency.

In the meantime, the researchers say ODA and OSU are working to improve applicator education workshops and materials to include information about how to interpret a label that doesn't adhere to EPA recommendations.

Andony Melathopoulos, assistant professor and pollinator specialist for OSU Extension, has trained more than 6,700 applicators in Oregon since 2018 and plans to train more with the new information.

The researchers encourage farmers to take advantage of recertification courses, educational materials and events so they will be better equipped to protect pollinators.

Bucy said his groundbreaking research as a student led to his job in pesticide work at ODA, where he hopes to continue helping the agricultural community.

"I read a few hundred labels. Why not read a few hundred — or thousand — more?" he said.

EPA Announces One of Its Largest-Ever FIFRA Civil Settlements
Anthony L. Michaels, Alan J. Sachs & Jack B. Zietman, The National Law Review (Beveridge & Diamond)
https://www.natlawreview.com/article/epa-announces-one-its-largest-ever-fifra-civil-settlements

Key Takeaways:
What Happened: EPA settled with Electrolux for nearly $7 million in connection with the import of household appliances with antimicrobial-treated air filters that were not registered under the federal pesticides law.

Who's Impacted: Manufacturers, distributors, and importers of products that incorporate antimicrobial substances or make antimicrobial claims.

What Should Companies Do in Response: Evaluate the regulatory status of any products that make antimicrobial claims to ensure compliance with federal registration, production, and recordkeeping requirements. Violations of these requirements may result in stop sale orders, product seizures, or civil penalties.

By When: As soon as possible.

The U.S. Environmental Protection Agency (EPA) last month announced one of the largest civil penalties ever issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In its October 6, 2020 Consent Agreement and Final Order (CAFO) with Electrolux Home Products, Inc. (Electrolux), EPA settled hundreds of alleged FIFRA violations in connection with Electrolux's import and distribution of approximately 420,000 dehumidifiers and air conditioners that each contained a filter manufactured with nanosilver. With a $6,991,400 penalty, EPA's action is consistent with the Agency's continued enforcement focus on imported pesticides and also appears to reflect a trend toward significantly higher FIFRA civil penalty assessments in recent years.

Unless otherwise exempted under FIFRA, any pesticide product imported into the United States for distribution or sale first must be registered with EPA. In addition, imported pesticides must comply with specific production, labeling, and notification requirements under FIFRA. A "pesticide" is defined to mean "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest," and a "pesticide product" refers to the pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is distributed or sold. Under FIFRA, pests include microorganisms found on surfaces or in the air or water.

Significantly, the Electrolux products characterized by EPA as pesticides in this matter were not chemical products themselves. Instead, they were all household dehumidifiers and air conditioners, each of which contained a filter manufactured with nanosilver, which is an antimicrobial substance. As described in EPA's CAFO, the products were marketed with claims such as "cleans air by removing harmful bacteria" and "reduces bacteria . . . for a healthier, more comfortable environment." According to EPA, these appliances were intended to provide an antimicrobial benefit to users and, in light of the incorporated nanosilver, therefore required registration under FIFRA prior to their sale or distribution.

EPA's penalty calculation was informed by its FIFRA Enforcement Response Policy, which includes detailed guidance for computing FIFRA penalties based on case-specific factors. In its CAFO, EPA specifically notes that the $6,991,400 penalty reflected a 20 percent "good faith" reduction of the gravity-based penalty amount, in acknowledgment of Electrolux's efforts to bring the products into compliance with FIFRA after EPA's discovery of the alleged violations. These efforts included an EPA-authorized "rework plan" that allowed Electrolux to consolidate its products at specified locations and, under the supervision of an independent monitor, systematically replace the products' nanosilver filters with filters that do not contain any pesticidal substances, and remove any pesticidal claims on the labeling and in associated marketing materials.

Manufacturers, Distributors, and Importers Should Assess FIFRA Product Compliance
In light of this latest enforcement action, importers, manufacturers, and distributors of products that incorporate antimicrobial substances or make antimicrobial claims should closely evaluate their status under FIFRA and confirm full compliance with EPA's requirements.

Determining FIFRA regulatory status requires careful assessment of each product's composition and claims, which should be frequently revisited as product design and marketing strategies change over time. Some product manufacturers and suppliers may not be aware that they are subject to FIFRA in the first place. While certain products containing antimicrobial substances may be eligible for exemption under FIFRA as "treated articles," those that do not meet all of EPA's applicable criteria remain at enforcement risk. In addition, products that do not contain any antimicrobial substances at all may still be subject to regulation under FIFRA as "pesticidal devices" if they are intended to operate against pests by physical or mechanical means.

Toxic Cleaners Are Being Misused and Overused During the COVID Pandemic
Daniel Litwin, Market Scale
https://marketscale.com/industries/building-management/toxic-cleaners-are-being-misused-and-overused-during-the-covid-pandemic/

Never before has American society paid as much attention to cleaning products and hygiene as it is now.

Yet, even in this heightened moment of hygiene, John Shanahan, President and CEO of Ionogen, said we're still not doing even close to enough research about the products being used – and often overused – during the COVID-19 pandemic. While the N list distributed by the EPA is a list of all products it expects to kill the novel coronavirus SARS-CoV-2, there are knock-on effects not being considered, according to Shanahan.

"The N list is this new 'Gucci' line. If you're an N-listed product, you're effective against the COVID virus. It's very interesting. The EPA and FDA are agencies set aside to help us. They're supposed to protect us, they're supposed to keep us safe. What the EPA neglects to tell us is many products listed on the N list are toxic to human health," Shanahan said. "We know we have to deal with this issue of COVID ... We look to these venerable agencies and say please give us the guidance to protect us and keep us safe, and there are products like quaternary disinfectants."

Too often, facility managers simply assume something is good because it's approved for use by government agencies, yet this can set up an employer for serious financial damages in the future if employees are harmed.

"The way to understand the finances and the financial damage is we have to have a realistic example of some prior precedent," Shanahan said. "The prior precedent was set up in the three separate lawsuits that involved Roundup as an herbicide approved by the EPA."

In those cases, the place of employment is party to the lawsuit in addition to the manufacturer. That's why checking safety data sheets and choosing non-toxic cleaning products can be essential.

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Ecolab No-Rinse Sanitizer Kills COVID-19 Virus Faster Than Any Other Product
The Baytown Sun
https://baytownsun.com/coronavirus/article_8c4dc982-fed5-59ed-9da6-0a5054a90b6b.html

Ecolab, the global leader in water, hygiene and infection prevention solutions and services, received approval from the U.S. Environmental Protection Agency (EPA) for its Sink & Surface Cleaner Sanitizer. The product is the first registered by the EPA to kill the virus that causes COVID-19 in 15 seconds – the fastest product available.

Ecolab's advanced chemistries, including Sink & Surface Cleaner Sanitizer, are key to helping restaurants and other businesses meet heightened expectations for cleanliness and more stringent regulations to help reduce the risk of exposure to the virus that causes COVID-19 and other viruses. Sink & Surface Cleaner Sanitizer is a concentrated no-rinse, 2-in-1 cleaner and sanitizer designed for use on any hard, non-porous food contact surface – from food prep areas and the third sink in the kitchen to guest tables.

Leveraging Ecolab's extensive hospital hygiene expertise and science-based public health and food safety knowledge, this versatile cleaner sanitizer has been tested and proven effective against SARS-CoV-2, the virus that causes COVID-19. Ecolab offers the product for use in spray bottle, bucket, wipe, third sink or electrostatic spray applications. It is one of only three electrostatic spray products proven effective against SARS-CoV-2 – and no product kills the virus faster in electrostatic spray application.

"Restaurants and foodservice facilities are working harder than ever to provide cleaner, safer environments that help protect people and build consumer confidence," said Michael Johannsen, Ecolab executive vice president and general manager of Global Institutional, the Ecolab division that serves the hospitality industry. "In addition to simplifying hygiene procedures, Ecolab's Sink & Surface Cleaner Sanitizer provides unmatched sanitizing efficacy, killing the virus that causes COVID-19 faster than any other product on the market."

Ecolab's Sink & Surface Cleaner Sanitizer, one of the innovative solutions powering the new Ecolab Science Certified ™ program, simplifies restaurant hygiene procedures by combining an effective cleaner and sanitizer into one solution without the need to rinse between cleaning and sanitizing or before contact with food. When used in an electrostatic spray application at a disinfection concentration, it can disinfect large indoor spaces efficiently and effectively.

Developed using insights from proprietary Ecolab consumer research and informed by the U.S. Centers for Disease Control and Prevention (CDC) guidelines, Ecolab Science Certified is a comprehensive, science-based program that combines hospital disinfectants, food-contact sanitizers and other cleaning products with a detailed training program and a periodic auditing process conducted by highly trained

Ecolab field specialists. After meeting rigorous program criteria, customers can display the Ecolab Science Certified seal to let consumers know about their commitment to world-class hygiene.

Ecolab has one of the broadest product portfolios for use against SARS-CoV-2. Including the Sink & Surface Cleaner Sanitizer, Ecolab offers 12 products tested and proven effective against SARS-CoV-2 and registered by the EPA. And Ecolab offers more than 50 products that are listed on the U.S. EPA List N for use against SARS-CoV-2. In addition, Ecolab products are proven effective for use against SARS-CoV-2 in dozens of countries around the world, including the U.S., Canada, Australia, Brazil, and throughout Europe.

For more information about Ecolab's Sink & Surface Cleaner Sanitizer or to order, contact your local Ecolab representative or visit ecolab.com/sinksurfacesanitizer.

Industry's influence over EPA could get even worse: Chemical advisory board nominees rife with conflicts of interest

Richard Denison, Environmental Defense Fund
http://blogs.edf.org/health/2020/10/29/industrys-influence-over-epa-could-get-even-worse-chemical-advisory-board-nominees-rife-with-conflicts-of-interest/

Richard Denison, Ph.D., is a Lead Senior Scientist.

Today Environmental Defense Fund, Earthjustice, Natural Resources Defense Council, Physicians for Social Responsibility, and Union of Concerned Scientists filed comments on EPA's list of nominees for appointment to its Science Advisory Committee on Chemicals (SACC). The SACC conducts peer reviews of chemical risk evaluations EPA conducts under the Toxic Substances Control Act (TSCA).

EPA can rectify this sad state of affairs by excluding these and any other conflicted individuals under consideration from membership on the SACC when EPA adds new members.

Our comments identified 19 nominees that have serious actual or potential conflicts of interest that should disqualify them from being appointed to the SACC.

Unfortunately, their inclusion in EPA's list of nominees suggests either that EPA has not conducted even the most cursory of conflict-of-interest screenings of these nominees, or that the agency intends to flout conflict-of-interest concerns and skew the balance of its science advisors even further in its drive to prioritize the interests of industry over public health and environmental protection. The most recent example of this is EPA's appointments or elevation of members on the agency's Science Advisory Board earlier this month.

Over the past several months, EPA received a slew of nominations for SACC membership of individuals that are employed either by companies with direct financial interest in specific chemicals or related science policy issues that fall within the remit of the SACC, or by consulting firms hired by those companies or their trade associations to represent their interests before EPA.

As extensively documented in the comments we submitted today, these individuals should not be appointed to the SACC because they trigger one or both of the federal requirements for excluding individuals from membership on federal advisory groups: having potential or actual conflicts of interest, or creating an appearance of a lack of impartiality.

Among the conflicted affiliations raised in our comments are the following:

- Individuals working for companies with direct financial interests in TSCA chemicals: Albemarle, Dow Chemical, PPG Specialty Coatings & Materials, Georgia-Pacific, Covestro, and Symrise.

- Individuals working as consultants or for consulting firms hired by such companies or their trade associations to represent their interests: These include TERA (Toxicology Excellence for Risk Assessment), Gradient, and Cardno/ChemRisk.

Notable among the nominees is Michael Dourson, the failed Trump administration nominee to head EPA's toxics office, who was forced to withdraw his nomination in the face of bipartisan opposition engendered by his long history of paid work for industry to undermine chemical safety standards.

A few additional highlights (or lowlights) detailed in our comments include:

- a nominee who worked for decades defending the tobacco industry against the health concerns posed by cigarette smoking and secondhand smoke.
- a nominee who has a long history of failing to disclose his financial conflicts of interest with companies involved in asbestos litigation.
- a nominee whose testimony in litigation has been excluded by federal judges on at least two occasions based on its lack of scientific rigor.
- a nominee whose extensive conflicts of interest were the subject of an in-depth investigative article by the Center for Public Integrity (CPI).

Moreover, a number of the nominees recently directly lobbied the SACC by providing comments on behalf of their industry clients that sought to downplay risks of their clients' chemicals.

It's not too late for EPA to rectify this sad state of affairs – by excluding these and any other conflicted individuals under consideration from membership on the SACC when EPA adds new members.

EPA Releases Revised Draft TSCA Risk Evaluation for PV29 for Comment

Lynn L. Bergeson & Carla N. Hutton, B&C TSCA Blog

https://www.tscablog.com/entry/epa-releases-revised-draft-tsca-risk-evaluation-for-pv29-for-comment

The U.S. Environmental Protection Agency (EPA) announced on October 29, 2020, that it is releasing a revised draft risk evaluation for C.I. Pigment Violet 29 (PV29) for public comment and peer review under the Toxic Substances Control Act (TSCA). EPA states that after it issued a draft risk evaluation in November 2018, it received additional data on PV29 in response to test orders, as well as additional information voluntarily submitted by the sole U.S. manufacturer. According to EPA, these new data led EPA to revise its analytical approach for evaluating the potential exposure and health effects of PV29. EPA's updated analysis, reflected in the revised draft risk evaluation, now shows unreasonable risk to workers for 11 out of 14 conditions of use. EPA states that because the new data had a significant impact on its risk evaluation and ultimately the risk determinations, it is providing an opportunity for the public and independent scientific experts to give input before the risk evaluation is prepared in final.

EPA will publish a Federal Register notice on October 30, 2020, beginning a 30-day comment period. During the public comment period, EPA states that it will also conduct a letter peer review of the revised draft risk evaluation using independent scientists, including one who has served as a member and several who have served as ad hoc peer reviewers for the TSCA Science Advisory Committee on Chemicals (SACC). The peer review will focus on charge questions supplied by EPA, and EPA states that "the public is encouraged to focus their comments on those issues as well."

EPA will use feedback received from the letter peer review and public comment process to inform the final risk evaluation. EPA notes that the revised draft risk evaluation is not a final agency action and represents its current review of the scientific information on PV29. As with any chemical product, EPA "strongly recommends that users carefully follow all instructions on the product's label/safety data sheet."

EPA Issues Annual Progress Report on Pesticide Reregistration Performance Measures and Goals
Lisa M. Campbell, Lisa R. Burchi & Barbara A. Christianson, B&C Pesticide Law and Policy Blog
http://pesticideblog.lawbc.com/entry/epa-issues-annual-progress-report-on-pesticide-reregistration-performa

On October 28, 2020, the U.S. Environmental Protection Agency (EPA) published a notice in the Federal Register announcing the availability of its progress report in meeting its performance measures and goals for pesticide reregistration during fiscal year (FY) 2018 (2018 Report). 85 Fed. Reg. 68327. Section 4(l) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires EPA to publish information about EPA's annual achievements in this area. The 2018 Report discusses the completion of tolerance reassessment and describes the status of various regulatory activities associated with reregistration. The 2018 Report also provides the total number of products reregistered and products registered under the "fast-track" provisions of FIFRA. The report is available at EPA-HQ-OPP-2014-0125. Comments can be submitted on or before December 28, 2020.

EPA's completed product reregistration actions totaled 177, short of EPA's goal of 400 actions. The table below details the actions completed in FY 2018.

Table 1. Product Reregistration Actions Completed in FY 2018 (as of September 30, 2018)

Actions FY 2018	
Product reregistration actions	19
Product amendment actions	33
Product cancellation actions	125
Product suspension actions	0
Total actions	177

EPA also states that 4,193 products had product reregistration decisions pending at the end of FY 2018, compared to 4,370 products with product reregistration decisions pending at the end of FY 2017, and 4,621 products with product reregistration decisions pending at the end of FY 2016. Regarding changes in the universe of products in product reregistration, EPA states: "an increase or decrease can be due to fluctuations in numbers of products associated with product-specific Data Call-Ins (PDCIs)."

The number of applications for registration requiring expedited processing (i.e., "fast-track" applications) that EPA considered and approved has been more consistent in recent years, with 2,422, 2,574, and 2,303 in 2016, 2017, and 2018, respectively.

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And while you're reading…. Remember to shoot your coworkers a shooting star!